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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,170	06/12/2001	Olga Milosavljevic	SCHB-4100	5814

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EXAMINER

HARBECK, TIMOTHY M

ART UNIT	PAPER NUMBER
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3692

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,170

Applicant(s)

MILOSAVLJEVIC ET AL.

Examiner

Timothy M. Harbeck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/24/2006.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-22 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrin (US 2002/0035527 A1) in view of Longo (Tracey Longo. "The First Cut is the Cheapest: Retirement distributions can come from many sources, IRAs, 401(k)s, and so on. Knowing where to start can prolong earnings growth." Financial Planning. New York: Apr 1, 1999. pg 1).

Re Claim 1: Corrin discloses a system for relating investment account information to an investment objective comprising:

- Inputting said income goal (paragraph 0028), said estate goal (paragraph 0044), said years in retirement goal (0073, 0186)), and a current asset allocation (0029)
- Performing analysis based on said goals and their prioritization and said current asset allocation (paragraph 0010)
- Forecasting, by using the results of said analysis, said likelihood that said assets at retirement meet said client defined priority goal in retirement goals (paragraph 0010, paragraphs 0129-0176)

Corrin does not explicitly disclose the step of:

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- Providing an in-retirement income stream withdrawal strategy, wherein said income stream strategy provides tax advantages and wherein said income stream withdrawal provides for a first time period where an income stream withdrawal includes one or more of the following sources for withdrawal (1) asset draw down, (2) interest, and (3) dividend payouts, and said income stream withdrawal strategy avoids withdrawal of assets from tax deferred accounts during the first time period; and said income stream withdrawal strategy providing for withdrawal from one or more tax deferred accounts during a second time period

Longo discloses a system for a retirement strategy for tax efficient withdrawals wherein assets are drawn first from taxable accounts followed, at a later time by withdrawing from tax deferred accounts (See Abstract and entire article). It would have been obvious to a person of ordinary skill in the art at the time of invention to include the teachings of Longo to the disclosure of Corrin so that a person in retirement can extend the life of their assets and achieve the most efficient withdrawal strategy possible.

Re Claim 2: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses wherein said forecasting is based on outside (paragraph 0279-0282) and inside holdings (paragraph 0029 "current account balance.")

Re Claim 3: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses the step of projecting annual

snapshot cash flows from said current asset allocation and determining if a gap exists between projected cash flows and said income goal (paragraphs 0137-0138)

Re Claim 4: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses wherein said cash flows comprise dividend and interest sources (0048) and non-fluctuating sources (0086-0093)

Re Claim 5: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses wherein said dividend and interest sources comprise equity dividend, fixed income, and cash payments (0261 and 0280-0283)) and wherein said non-fluctuating sources comprise income property, social security, and pension payments (0086-0093)

Re Claim 6: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses the step further comprising providing a current performance planning table , wherein said table allows for assessing approximate current yield and total return information in order to determine which holdings of said assets provide cash flows versus growth required to meet said in-retirement goals (0084-0141)

Re Claim 7: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses the step comprising a current summary showing a breakdown of said cash flows into said dividend and interest sources (0144-0150), said non-fluctuating sources (0097-0102), total cash flow and said income goal (0137-0138)

Re Claim 9: Corrin in view of Longo discloses the claimed method supra and while not explicitly disclosing the step wherein said withdrawal strategy further comprises designating when and how much to withdraw from taxable, 401K, traditional IRA and Roth IRA accounts, this step would have been obvious to anyone of ordinary skill in the art at the time of invention as it was notoriously well known. For example, there are tax-related penalties related to the early withdrawal of funds from a Roth IRA account. If a user withdraws funds before the age of 59 ½ years there is a steep tax placed on the amount of withdrawal. Therefore, a prudent withdrawal strategy would be to refrain from withdrawing from this account until the appropriate time, and furthermore if it was vital for funds to be withdrawn, the strategy would further call for an amount representing the absolute minimum be withdrawn so that the remainder of the money in the account can continue to accumulate.

Re Claim 10: Corrin in view of Longo discloses the claimed method supra and Corrin further discloses the step comprising providing an asset draw down schedule over each retirement year (0076-0081 and 0216).

Re Claim 11: Corrin in view of Longo discloses the claimed method supra and while the references do not explicitly disclose the step comprising determining required minimum distribution income streams based on total value of tax deferred assets, this step would have been obvious to anyone of ordinary skill in the art, as such withdrawals were required by law. For example, in a traditional IRA, which is tax deferred, participants are required to make withdrawals at the age of 70 ½, so that the earnings can be taxed out. The minimum withdrawal is a rate based on life expectancy and

therefore the amount of withdrawal would necessarily depend on the total value of the assets. Since these withdrawals are mandatory, it would therefore further be obvious to factor these into the withdrawal strategy, or else said strategy will ultimately become inaccurate.

Re Claim 12: Corrin in view of Longo discloses the claimed method supra and Corrin further discloses a report showing annual tax-deferred account withdrawals and year-end tax deferred account balances (0216-0220).

Re Claim 13: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses providing financial (0211; increase contribution) and non-financial (0228 "increase working years") alternatives in order to attempt to increase said likelihood of meeting retirement goals.

Re Claim 14: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses wherein said non-financial alternatives increase said likelihood by requiring a relaxing of at least one of said in-retirement goals (0028). In increasing the working years before retirement, the user is essentially decreasing the total number of years the user intends to spend in retirement.

Re Claim 15: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses wherein said financial alternatives attempt to increase said likelihood by altering said asset allocation and thereby assuming a better diversified portfolio (0259-0261).

Re Claim 16: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses a report showing said in-

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retirement goals and said likelihood versus said modified in-retirement goals, said modified in-retirement goals comprising said at least one of said relaxed in-retirement goals, and showing said subsequent possible increased likelihood (0263-0278).

Re Claim 17: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses a report showing said in-retirement goals and said likelihood versus said altered asset allocation, and showing said subsequent possible increased likelihood (0213-0216 and 0263-0278)

Re Claim 18: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses wherein asset allocation preferences are incorporated (0260-0262).

Re Claim 19: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses providing action plans for attempting to increase said likelihood, said action plans comprising means for conveying whether to buy or sell said assets (0259-0262).

Re Claim 20: Corrin in view of Longo discloses the claimed method and Corrin discloses the claimed method supra and further discloses wherein each asset class holding are separated from each other small company holdings are separated from large, international and fixed income company holdings (0261).

Re Claim 21: Corrin discloses a system for relating investment account information to an investment objective comprising:

- Inputting said withdrawal goal (paragraph 0072-0073), said estate goal (paragraph 0044), said years in retirement goal (0073, 0186)), and a current asset allocation (0029)
- Performing an analysis based on said goals and said current asset allocation (paragraph 0010)
- Forecasting, by using the results of said analysis, said likelihood that said assets at retirement meet said client defined priority goal in retirement goals (paragraph 0010, paragraphs 0129-0176)
- Providing an ability to perform alternative analysis by modifying said in-retirement goals (0189-0258)

Corrin does not explicitly disclose the step of:

- Providing an in-retirement income stream withdrawal strategy, wherein said income stream strategy provides tax advantages and wherein said income stream withdrawal provides for a first time period where an income stream withdrawal includes one or more of the following sources for withdrawal (1) asset draw down, (2) interest, and (3) dividend payouts, and said income stream withdrawal strategy avoids withdrawal of assets from tax deferred accounts during the first time period; and said income stream withdrawal strategy providing for withdrawal from one or more tax deferred accounts during a second time period

Longo discloses a system for a retirement strategy for tax efficient withdrawals wherein assets are drawn first from taxable accounts followed, at a later time by

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withdrawing from tax deferred accounts (See Abstract and entire article). It would have been obvious to a person of ordinary skill in the art at the time of invention to include the teachings of Longo to the disclosure of Corrin so that a person in retirement can extend the life of their assets and achieve the most efficient withdrawal strategy possible.

Re Claim 22: Corrin in view of Longo discloses the claimed method supra and Corrin further discloses wherein said forecasting is based on outside (paragraph 0279-0282) and inside holdings (paragraph 0029 "current account balance.")

Re Claims 34 and 35: Further system claims would have been obvious in order to implement previously rejected method claims 21 and 22 respectively and are therefore rejected using the same art and rationale.

Claims 23-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrin.

Re Claim 23: Corrin discloses a method for determining and communicating to a customer snapshot of the amount of dividend and interest cash flow in the current 12 month rolling or historic rolling year generated by said customer's current portfolio (0138-0137), said portfolio comprising inside (0029) and outside assets (0279-0282), comparing said income to an income goal, and assisting said customer in narrowing or closing a gap between said income goal and said current income amount (0187) comprising:

- Any combination of downloading, entering, or updating a profile of said customer and inputting said income goal (0032-0049)

- Any combination of importing, displaying, selecting, entering and editing (0187-0188) any of said customer's inside accounts
- Any combination of importing, displaying, selecting, entering and editing any of said customer's outside accounts (0280)
- Any combination of importing, displaying, selecting, entering and editing any of said customer's other non-security sources of income (0040-0041)
- Generating a 12-month rolling or historic rolling year cash flow from all said sources of income by cash flow category, and comparing said generated 12-month rolling or historic rolling year cash flow to customer's annual cash flow goal (0137-0141 and 0263-0271)
- Generating a cash flow report said report comprising
 - An estimated cash flow for each asset (0152)
 - Approximate current yield of each asset (0264)
 - Current value of each asset (0264-0265);
 - Relevant cash flow category benchmarks (0138-0140); and
- Generating a cash flow versus growth performance report, said performance report comprising
 - A list value of yield (0263) for each asset (see 0151 "weights of each asset and its expected return must be known." Indicates a breakdown of individual assets.)
 - An annual income by each asset (0264; "actual return for each reporting period.")

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- A current yield of each asset
 - 1,5, and/or 10 year total return data (0265, 0271)
 - current value and relevant cash flow category benchmarks, thereby allowing said customer to compare said assets performance and/or appropriate historical performance (0137-0141)
- Generating a general advice document highlighting under-performing assets of said assets and making general recommendations for said narrowing or closing of said gap (0137-0141)

Corrin does not explicitly disclose

- Dividend reinvestment status for each asset;
- A total dollar sum of dividends reinvested for said current calendar year

Official Notice is taken that including dividend related income and reinvestment information is notoriously old and well known in the art at the time of invention. It would have been obvious to a person of ordinary skill in the art to include this to the disclosure of Corrin in order to get a full, accurate depiction of current earnings and future potential earnings. Dividend income and revenue is well known to represent a large portion of a future portfolio, especially retirement portfolios where this income can be generated and compounded over time. By ignoring these incomes, the true value of the portfolio, both at the current time and in future projections would not be accurately depicted.

Re Claim 24: Corrin discloses the claimed method supra and further discloses said current 12 month rolling or historic rolling year cash flow from inside only accounts by cash flow category and comparing generated cash flow to said income goal (0137-0141)

Re Claim 25: Corrin discloses the claimed method supra and further discloses wherein said generated cash flow information is based on an annual and/or monthly basis (0129)

Re Claim 26: Corrin discloses the claimed method and further discloses bar charts, tables, and/or other graphical displays of information (0137-0138)

Re Claim 29: Corrin discloses the claimed method and further discloses wherein potentially under-performing asses are determined using growth and income components of each asset's return (0140-0175 and 0260)

Re Claim 30: Corrin discloses the claimed method supra and further discloses generating a full printed report (0025)

Re Claim 31: Corrin discloses the claimed method supra and further discloses wherein the method is adaptable to be used on the World Wide Web (0010), retail desktops (0011), phone service center desktops,.

Re Claim 32: Corrin discloses the claimed method and further discloses wherein the method is adaptable to be used in a self-service mode of operation (0011), or in an assisted service mode of operation (0010) by providing different user interfaces (0024-0025)

Re Claim 33: Corrin discloses the claimed method supra and further discloses wherein the method is adaptable to be incorporated in a suite of tools (0011).

Response to Arguments

Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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